

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

UNITED STATES OF AMERICA

v.

PEGGY M. DEGASTYNE,

Defendant.

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Docket No. 1:12MJ400

DEFENDANT'S MOTION TO RECONSIDER CONDITIONS OF RELEASE

COMES NOW the defendant, Peggy M. Degastyne, by counsel, and moves this Honorable Court to reconsider the conditions of her release. In support of this Motion, defendant states as follows:

1. On October 10, 2012, Ms. Degastyne pled guilty to operating a motor vehicle under the influence of alcohol, in violation of 18 U.S.C. § 13, assimilating Va. Code Ann. § 18.2-266(ii). (Dkt. 6.) She was sentenced to two years of supervised probation and a fine. (Dkt. 8.) The special conditions of her probation are that Ms. Degastyne: (1) has to successfully complete an alcohol education program; (2) has to undergo substance abuse testing or treatment as directed; (3) during her first year of probation, she could not operate a motor vehicle except under certain standard circumstances; (4) must not violate any local, state, or federal traffic law; and (4) had to pay her fine and special assessment within ninety days.
2. On June 17, 2014, the probation office submitted a petition on probation. (Dkt. 10.) The petition explained that Ms. Degastyne has been charged in Prince William County District Court with (1) driving while intoxicated, 2nd offense within five years and (2) refuse to submit to blood/breath testing, 2nd offense (GC14006758-00,

GC14006759-00). The alleged offenses occurred on June 1, 2014. At the time, Ms. Degastyne had a valid license. An arraignment is scheduled for September 16, 2014, and Ms. Degastyne will be seeking to schedule a revocation hearing once the state charges are resolved.

3. A warrant was issued along with the petition, and Ms. Degastyne immediately surrendered on June 18, 2014. A detention hearing was held the same day, and the Court released Ms. Degastyne with the following conditions: (1) she be placed on home confinement with active GPS monitoring, with timeouts to take her seven-year old daughter to day care and to go to and from work; (2) she undergo remote alcohol testing; and (3) she may only operate a motor vehicle with an interlock ignition device. (Dkt. 14.)
4. Upon a warrant being issued, Ms. Degastyne immediately surrendered. Moreover, as the probation officer noted, she promptly reported the new state charges. Ms. Degastyne has complied with substance abuse testing and has also completed the Alcohol Safety Action Program. She is employed at a dental clinic, attending Alcoholics Anonymous meetings, and has an appointment scheduled for July 5, 2014, with a physician to discuss alcohol counseling.
5. Ms. Degastyne now respectfully requests that her conditions of release be modified so that the home-confinement restriction is removed. Moreover, if the Court imposes further driving restrictions, Mr. Degastyne respectfully requests that she be allowed to drive for work, for any counseling or treatment programs, for any child-care responsibilities, and for any court or probation obligations.

For all of the foregoing reasons, Ms. Degastyne respectfully requests that the Court modify the terms of her release.

Respectfully submitted,
PEGGY M. DEGASTYNE,

Michael S. Nachmanoff
Federal Public Defender

By: _____ /s/
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CERTIFICATE OF SERVICE

I hereby certify that on June 23, 2014, I will electronically file the foregoing pleading with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Adam Ptashkin, Special Assistant United States Attorney
Office of the United States Attorney
2100 Jamieson Avenue
Alexandria, Virginia 22314

Pursuant to the Electronic Case Filing Policies and Procedures, a courtesy copy of the foregoing pleading will be delivered to Chambers within one business day of the electronic filing.

By: _____/s/_____

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